

PRESERVED

App. F. IX-4

162-34-9
Previous References

162-34(1-4)

53-33(1-2)

119-33-1

Letter References (9-11)

1936

(40)

File No. 75-36

Serial Nos. 1-2



GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 2

Part B for October 1936

SUBJECT.

new rule of practice superseding
existing rule of practice no 164 of 5-10-1933

no 2329 of 6-10-36

no 122

WD 0418-GPB-22,500-29-8-36

sanctioned

W. G. J. J. J.
29/10/36

Serial
No.

How

The Registrar High Court

ROC No 1075 /35-36 dt 14.9.36.

Requests ~~that~~ Sanction to make a new Rule of practice superseding the existing Rule of practice No 164 of 5.10.1933

Pg 2

Pg X

Fly V
(cls 162-34-2)

On the recommendation of the High Court Sanction was accorded to the issue of a new Rule of practice (No 164 of 5.10.1933) providing for the payment of monies due to parties which are in deposit in Court to the party in person or to his recognised agent or to some person specially authorised under a power of attorney. This rule was however amended confining the same to decree amounts.

The High Court has stated that it is unnecessary and inconvenient to parties to maintain the present restriction on the power of Advocates and pleaders to draw decree amounts on behalf of their clients. The High Court has propose to issue a new Rule superseding the existing Rule of practice No 164 of 5.10.1933 providing for the payment of decree amounts due to parties, to the party, entitled to it or to his Advocate or pleader appearing

Amendment to Rule of Practice No 164 of
1701

File No.

of 1936

General and Revenue
Secretariat

authorized by Vakalatnama to receive
such monies

A draft of a G.O. Sanctioning is
submitted herewith for approval or other

The new rule proposed by the High Court
seems to be very desirable. Under the old
rule (R 4/164) Advocates had to file
a power of Attorney each time they
new the decree amount from the Court.

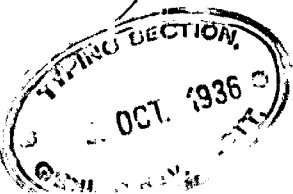
In the case of instalment decrees
and attachment of Salaries & Government
Officials some Courts used to insist
on a power of Attorney being filed
each time the money was drawn
though the instalments relate to
the same decree. A special Vakalat
authorizing the drawing of decree
amounts by the Advocates and
pleaders seems to relieve the
existing hardship. Government
Advocates and pleaders are exempted
from filing this special Vakalat.

The Rule now proposed may be
sanctioned.

Chief Secretary

For appl.

1st member



1/10

MS
28/9
2/10
MS
2/10
MS
2/10

CHIEF SECRETARY
28 SEP. 1936

OFFICE OF THE
FIRST MEMBER
28 SEP. 1936
J. M. S. 28.9.36

Serial
No.

7

The Registrar High Court
P 2329 D 6-10-36

Sanctions the proposal of the High Court
for the issue of a new rule of practice
in place of Rule No 164 of 1935.

14/10/36

R. O. C. No.	1075
D. Dis.	35-36

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1705
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HIGH COURT OF MYSORE,
Public Office Buildings, Cubbon Park,
Bangalore, 14th September 1936

46-75-36-1

FROM

T. Shamiengar, Esq., B.A., B.L.,

~~A. Sundararaja Rao, Esq., B.A., B.L.,~~

~~S. Venkata Ranga Iyengar, Esq., B.A., LL.M.,~~

The Registrar, High Court of Mysore.

CHIEF SECRETARY
PwM
15 SEP 1936
MB

B.T. Kesavaiengar, Esq., B.A.,
Chief Secretary to the Government of Mysore,
B a n g a l o r e .

SIR,

Flg Z I am directed to refer to High Court letter C.No.213/33-34, dated 19th August 1933, in which a new Rule of Practice was proposed, restricting the power of Advocates and Pleaders to draw monies in deposit in Court on behalf of their clients and to the Government Order sanctioning the new rule, namely, Government Order No.Camp 1 of 27th September 1933. I am to point out that, not only was there some doubt and confusion in regard to the interpretation of the new rule, namely, Civil Rule of Practice No.164 of 5th October 1933, but it was found to be unnecessarily harassing in regard to deposits other than decree amounts, and therefore the High Court proposed in its letter R.O.C. 681, dated 22nd March 1935, and the Government sanctioned, an amendment

Flg X (cts 55-33-2)

Flg V confining the rule to amounts in deposit towards the satisfaction of decrees.

I am to state that the whole matter has been again under consideration and that the High Court has come to the conclusion that and inconvenient it is unnecessary/to parties to maintain the present restriction on the power of Advocates and Pleaders to draw decree amounts on behalf of their clients. While it is necessary to make sure, before that is permitted, that it has been expressly authorized by the clients concerned, in the opinion of the High Court, as at present constituted, it is sufficient if the authorisation, provided it is express, is contained in the vakalatnama. The High Court therefore proposes to make a new rule on the subject as shown in the appendix to this letter.

I am accordingly to request that the Government may be pleased to accord sanction to the new rule, which is to supersede the existing Rule of Practice No.164 of 5th October 1933.

I have the honour to be,

Sir,

Your most obedient servant,

S. K. P. S. W. A. S.

Deputy Registrar. for Registrar on
Casual leave.

M. A.

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~~Draft Civil Rule of Practice.~~

Money due to a party, which is in deposit in Court towards the satisfaction of a decree, shall be paid only to the party entitled to it or to his Advocate or Pleader expressly authorized by Vakalatnama to receive such monies or to his recognized agent as defined in Rule 2 of Order III of the Code of Civil Procedure, 1911, or to some person authorized by power-of-attorney duly stamped to receive such monies on behalf of the party entitled to it, provided that decree amounts due to the Government may be paid to the Government Advocate or to a Government Pleader without the production of any Vakalatnama or other express authorization.

Civil Rule of Practice No.164, dated 5th October 1933, and the subsequent amendments to it are hereby cancelled.

S. K. Jaisankar
For Registrar
10.9.36

MRK

SUBJECT

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Diary. No of letter replied to

General and Revenue Secretariat

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the 193 .

Proceedings of the Government of
His Highness the Maharaja of Mysore.

Section ch

File No. 75-33-2

Serial No.

Date of issue..... 6.10 - 1936.

Read—

Signed by Mr. A. S. R. J. K. X

G. O. No Camp 1 / Cts 55-33-2
of 29.9.1933 Sanctioning the
issue of a Rule of
practice providing for the
payment of monies due to
parties which are in deposit

May this be—

- (i) printed ?
- (ii) treated as a standing order ?
- (iii) published in the Gazette,
English Part ?
- (iv) translated ?
- (v) placed at the disposal of the press ?
- (vi) published in the Gazette,
Kannada Part ?

Order thereon — No. in Court to the
party in person or to his
recognised agent or to some
person specially authorised
under a power of attorney
2) G.O. No P 6349-50 / Cts
162-34-2 of 17.5.1935
Sanctioning an Amendment

5/10/2

Key ✓

to the rule of practice sanctioned
in the G.O. of 27.9.1933
read above confining it to
amounts in deposit towards
the satisfaction of decrees.

3) G.O. No P 962 / Cts 162-34-4
of 8.8.1936 sanctioning the
addition of a note to the
above rule so as to make it
possible for monies due to Govt
under decrees which are in
deposit in court to be paid to
the Govt Advocate or Govt
pleaders without any special
authorisation from Govt.

4) Letter No. ROC 1075/35-36
of 14.9.1936 from the Registrar
High Court stating that the
High Court is of opinion
that it is unnecessary and
inconvenient to parties to
maintain the present restriction

Rayu .

List of Enclosure

Copied by

Examined by

G. R. S. App. F. G. 3.

GENERAL AND REVENUE
SECRETARIAT.

(Continuation sheet draft form.)

6

on the power of Advocates and
pleaders to draw decree
amounts on behalf of
their clients and that it
is sufficient if the authorisation
provided it is express, ~~is~~ is
contained in the Vakalatnama
and requesting sanction to
the issue of a new
rule of practice specified
in the Appendix which is
to supersede the existing
Rule of practice No 164
of 5.10.1933 with its amendments.

Order No. P 2329. dt
Dec 1.

Sanctioned

MS
28/9
Chief Secretary to
Govt

To
The Registrar High Court

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE

Read:-

Government Order No. Camp I/Cts. 55-33-2, dated 27th September 1933 sanctioning the issue of a Rule of Practice providing for the payment of monies due to parties which are in deposit in Court to the -- party in person or to his recognised agent or to some person specially authorised under a power of attorney.

2. Government Order No. P. 6349-50/Cts. 162-34-2, dated 17th May 1935 sanctioning an amendment to the rule of practice sanctioned in the Government Order dated 27th September 1933 read above ^{Confirming} ~~confirming~~ it to amounts in deposit towards the satisfaction of decrees.

3. Government Order No. P. 962/Cts. 162-34-4, dated 8th August 1935 sanctioning the addition of a note to the above rule so as to make it possible for monies due to Government under decrees which are in deposit in court to be paid to the Government Advocate or Government pleaders without any special authorisation from Government.

4. Letter No. Rec. 1075/35-36, dated 14th September 1936 from the Registrar, High Court, stating that the High Court is of opinion that it is unnecessary and inconvenient to parties to maintain the present restriction on the power of Advocates and Pleaders to draw decree - - amounts on behalf of their clients and that it is sufficient if the authorisation, provided it is express, is contained in the Vakalatnama and requesting sanction to the issue of a new ^{Rule} of practice specified in the Appendix which is to supersede the existing Rule of Practice No. 164 of 5th October 1933 with its amendments.

Order No. P2329 CS-75-36-2
Encl 1.

Bangalore, dated the 5th October 1936.

S A N C T I O N E D.

Shri Narayanaiah
for Chief Secretary to Government.
cm

To

The Registrar, High Court of Mysore.

26

Appendix.

Money due to a party, which is in deposit in Court towards the satisfaction of a decree, shall be paid only to the party entitled to it or to his Advocate or Pleader expressly authorised by Vakalatnama to receive such monies or to his recognised agent as defined in Rule 2 of Order III of the Code of Civil Procedure, 1911, or to some person authorised by power-of-attorney duly stamped to receive such monies on behalf of the party entitled ^{to} ~~by~~ it, provided that decree amounts due to the Government may be paid to the Government Advocate or to a Government Pleader without the production of any Vakalatnama or other express authorization.

Civil Rule of Practice No. 164, dated 5th October 1933, and the subsequent amendments to it are hereby cancelled.

Aswaraaj
for Chief Secretary to Govt